

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HENRY ESPEJO, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SANTANDER CONSUMER USA, INC., an
Illinois corporation,

Defendant.

Case No.: 1:11-cv-8987

Honorable Charles P. Kocoras

Honorable Sidney I. Schenkier

LORENZIE HUMPHREYS and YVETTE
RHEAMES, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

SANTANDER CONSUMER USA, INC.,

Defendant.

Case No.: 1:12-cv-4671

ARICA BONNER et al.,

Plaintiffs,

v.

SANTANDER CONSUMER USA, INC.

Defendant.

Case No.: 1:12-cv-9431

NOTICE REGARDING DISCOVERY DISPUTE

Plaintiffs Henry Espejo, Yvette Rheames, Maude Jones, Faye Levins, Rajeeni Cook and
Turquiose Williams (collectively, “Plaintiffs”) and Defendant Santander Consumer USA, Inc.
 (“Santander”) hereby provide notice to the Court regarding the Parties’ outstanding discovery
dispute and the need to appoint a special master:

1. On February 18, 2015, the Court held a status hearing regarding Santander’s
production of 400 sample call logs to Plaintiffs. At that hearing, the Court ordered the parties to

meet and confer on appointing a Special Master to help resolve their dispute regarding the proper electronic production format for such files. (*Espejo* Dkt. 135.) The deadline for submitting such a proposal was extended until March 10, 2015. (*Id.*, Dkt. 138.)

2. After jointly interviewing candidates from PriceWaterhouseCoopers, KPMG and Berkeley Research Group, the parties have reached an agreement regarding the appointment of a Special Master. Ultimately, the Parties jointly proposed Ron Schnell of Berkeley Research Group, LLC to serve as the Special Master in this matter.

3. At the status hearing held on March 17, 2015, the Court ordered the Parties to jointly submit a proposed order regarding the appointment of Mr. Schnell as special master. (*Id.*, Dkt. 140.)

4. Following the March 17th hearing, the Parties continued to pursue two paths to resolution of the discovery dispute. The first was through the special master process proposed to the Court, and to that end the Parties exchanged drafts of a retainer agreement with Mr. Schnell, and began discussions regarding the proposed order requested by the Court. The second path involved continued discussions and efforts to reach a mutually agreeable protocol for the production of the sample call logs, without the need for further intervention by a special master or the Court.

5. To that end, the Parties arranged for a call between technical representatives from both sides, to attempt to resolve their differences. Over the course of that call—which, per the Court’s prior suggestion, was led by the technical representatives themselves—and several rounds of subsequent emails and file productions, the Parties were able to agree on a mutually satisfactory template for the production of the 400 sample call logs.

6. The Parties’ agreed proposal—for the production to take place with redactions in Adobe PDF format, and using a uniform production template—ensures the confidentiality of sensitive personal information required by Defendant, while also providing the functionality and usability required by Plaintiffs.

7. The Parties have also agreed to work collaboratively to resolve any additional

formatting issues that take place over the course of the 400-file production.

8. Because the Parties have resolved their discovery dispute, the Parties respectfully submit that they no longer require the appointment of a special master.

9. Further, the parties propose the following schedule to govern the conclusion of the sampling production and the remaining discovery:

- a. Deadline for Defendant to complete production of the 400-account sample: May 26, 2015;
- b. Deadline to complete remaining fact discovery: July 21, 2015.

WHEREFORE, the parties jointly notify the Court that they have resolved their discovery dispute, that they no longer require the assistance of a special master, and that they request the Court enter an order setting the discovery schedule provided above.

Dated: March 31, 2015

Respectfully submitted,

**HENRY ESPEJO, YVETTE RHEAMES,
MAUDE JONES, FAYE LEVINS, RAJEENI
COOK, and TURQUIOSE WILLIAMS,**
*individually and on behalf of all others similarly
situated,*

s/ J. Dominick Larry
One of their Attorneys

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Respectfully submitted,

SANTANDER CONSUMER USA, INC.,
Defendant,

s/ Henry Pietrkowski
One of its Attorneys

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SIGNATURE ATTESTATION

Pursuant to Section IX(C)(2) of the General Order on Electronic Case Filing, I hereby attest that the content of this document is acceptable to all persons whose signatures are indicated by a conformed signature (s/) within this e-filed document.

s/ J. Dominick Larry

CERTIFICATE OF SERVICE

The foregoing **Agreed Proposal for Appointment of Special Master** was electronically filed on March 31, 2015 with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all registered parties.

s/ J. Dominick Larry